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EQUITY TRUST (JERSEY) LIMITED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OLIVER HILSEN RATH,

Plaintiff,

v.

EQUITY TRUST (JERSEY) LIMITED,
CANDOVER INVESTMENTS PLC, AND
DOES 1-10,

Defendants.

CASE NO. C-07-4162 WHA

DECLARATION OF JONATHAN F.
BEARDSLEY IN SUPPORT OF DEFENDANT
EQUITY TRUST (JERSEY) LIMITED'S
MOTION TO DISMISS COMPLAINT FOR
IMPROPER VENUE, LACK OF PERSONAL
JURISDICTION, INSUFFICIENCY OF
SERVICE OF PROCESS, AND *FORUM NON
CONVENIENS*

Date: October 18, 2007
Time: 8:00 a.m.
Place: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

Complaint Filed: August 14, 2007

I, JONATHAN F. BEARDSLEY, declare as follows:

1. I am an attorney licensed to practice with the courts of the State of California.
I am admitted to the bar of this Court. I am an associate with the law firm of Latham & Watkins
LLP, counsel of record for Defendants Equity Trust (Jersey) Limited ("ETJL") in the above-
captioned adversary proceeding. I have personal knowledge of the facts set forth below and if

1 called as a witness could and would testify competently thereto.

2 2. In an exhibit to a motion filed November 30, 2006, in the matter of *Janvrin et*
3 *al. v. Hilsenrath*, Case No. C-02-1068 CW, plaintiff admitted: "Oliver and Hana Hilsenrath at
4 all time relevant to this counter-claim/third-party complaint have maintained their domicile in
5 Israel." A true and correct copy of this document is attached hereto as Exhibit A.

6 3. In a declaration filed on June 9, 2005, in the matter of *SEC v. Hilsenrath*, Case
7 No. C-03-3252 WHA, plaintiff admitted: "I am an Israeli citizen" with "my residence in Tel
8 Aviv, Israel." A true and correct copy of this document is attached hereto as Exhibit B.

9 4. In a declaration filed on January 26, 2007, in the matter of *Janvrin et al. v.*
10 *Hilsenrath*, Case No. C-02-1068 CW, plaintiff admitted: "I am an Israeli citizen, as is my wife
11 and six children. We have a family home in Tel Aviv." A true and correct copy of this
12 document is attached hereto as Exhibit C.

13 5. On February 6, 2007, plaintiff pleaded guilty to counts of securities fraud and
14 tax evasion before Judge William Alsup in the matter of *United States v. Hilsenrath*, Northern
15 District No. CR-03-213, WHA, filed July 10, 2003.

16 6. Plaintiff was sentenced in the matter of *United States v. Hilsenrath* on July 9,
17 2007. A true and correct copy of the "Judgment in a Criminal Case as to Oliver Hilsenrath,"
18 signed July 9, 2007, is attached hereto as Exhibit D.

19 7. As recently as July 11, 2007, in the matter of *Hilsenrath v. Shepard et al.*,
20 Northern District C-07-3586 EDL, plaintiff filed a complaint averring: "Plaintiffs Oliver
21 Hilsenrath and Hana Hilsenrath are Israeli and United States Citizens and residents of Tel Aviv,
22 Israel" that "temporarily reside in the State of California" for the "sole purpose of defending the
23 U.S. government's action." A true and correct copy of the "Complaint for Malpractice,
24 Negligence, Breach of 'The Duty of Care,' Aiding and Abetting Breach of Civil Rights Granted
25 by the 4th, 5th, and the 6th Amendment of the Constitution," is attached hereto as Exhibit E.

26 8. I understand ETJL received plaintiff's complaint and papers via Federal
27 Express on August 17, 2007 in St Helier, Jersey. The proof of delivery that plaintiff filed with
28

1 this Court indicates that the Federal Express shipment was sent from San Francisco, California
 2 on August 14, 2007. On information and belief, plaintiffs' current address is 822 Eastbrook
 3 Court, Danville, CA 94506. A true and correct copy of plaintiff's Affidavit of Service of
 4 Summons and Complaint is attached hereto as Exhibit F.

5 9. A true and correct copy of the complaint in the matter of *Janvrin et al. v.*
 6 *Hilsenrath, et al.*, Northern District No. C-02-1068 CW, filed March 5, 2002, is attached hereto
 7 as Exhibit G.

8 10. A true and correct copy of the complaint in the matter of *Hilsenraths v. The*
 9 *Swiss Confederation, et al.*, Northern District No. C-07-2782 WHA, filed May 29, 2007, is
 10 attached hereto as Exhibit H.

11 11. A true and correct copy of the complaint in the matter of *Hana and Oliver*
 12 *Hilsenrath v. Nixon Peabody et al.*, Northern District No. C-07-3193 TEH, filed on June 18,
 13 2007, is attached hereto as Exhibit I.

14 12. A true and correct copy of the complaint in the matter of *Hana and Oliver*
 15 *Hilsenrath v. Equity Trust, et al.*, Northern District No. C-07-3312 CW, filed on June 25, 2007,
 16 is attached hereto as Exhibit J.

17 13. A true and correct copy of the "Motion to Correct Sentence Under Rule 35
 18 And Application To Clarify Condition of Supervision," in the matter of *United States v.*
 19 *Hilsenrath*, Northern District No. CR-03-213 WHA, filed July 16, 2007, is attached hereto as
 20 Exhibit K.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed
 22 at San Francisco, California on September 6 2007.

23
 24 _____ /s/

25 Jonathan F. Beardsley
 26
 27
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